

DOCKET NO. DBD-FA-10-4010000S : SUPERIOR COURT
HOWARD GAVELL : JUDICIAL DISTRICT OF DANBURY
V. : AT DANBURY
MONA GAVELL : NOVEMBER 4, 2010

MINOR CHILDREN'S PROPOSED ORDERS
AS TO CUSTODY AND VISITATION, PENDENTE LITE

The Attorney for the Minor Children JUSTINE (born 2006, age 13), KEVIN (born 2004, age 6) and AMY (born 2008, age 18 months), respectfully prays that the Court enter the following orders:

1. CUSTODY

The parties shall joint custody of the minor children. They shall discuss and decide matters pertaining to the children's education, religious training, discipline, moral values, medical, dental, and mental health care, social and extracurricular activities and travel, with a view to arriving at a harmonious policy calculated to promote the best interests of the children.

Both parents will participate in selecting mental health providers for the children, including a joint counselor for the Defendant Mother and JUSTINE.

Neither party shall remove his or her residence nor the residence of the minor children more than 20 miles from the Newtown flagpole without the agreement of the other or further court order.

JUSTINE, KEVIN and AMY shall primarily reside with the Defendant Mother.

Neither party shall remove his or her residence nor the residence of the minor children more

than 20 miles from the Newtown flagpole without the agreement of the other or further court order.

The children will remain in Catholic religious education through confirmation. Notwithstanding the foregoing, either parent may expose the children to services and youth activities in different churches while with that parent.

2. CONTACT SCHEDULE

A variety of factors, including the differences in age between their son and daughters, render a common visitation schedule with all three children impractical. Nevertheless, both parents shall enjoy reasonable, liberal and flexible parenting time with the children which, for the Plaintiff Father, shall include at least the following:

As to JUSTINE:

The Plaintiff Father shall have reasonable, liberal and flexible contact with JUSTINE, including at least one evening each week from close of school until 9:00 p.m., which evening will be chosen so as not to conflict with any extracurricular activities in which JUSTINE is enrolled. The Plaintiff Father will collect JUSTINE from the Defendant Mother's home at the beginning of the visit.

JUSTINE will also spend weekends with each parent on a four week rotating schedule.

- Weekend one will be spent with the Plaintiff Father from close of school on Friday until return to school on Monday;
- Weekend two will be spent with the Defendant Mother from close of school on Friday until

return to school on Monday;

- Weekend three will be spent with the Defendant Mother from Friday close of school until Saturday at 4:00 p.m.
- Weekend four will be spent with the Defendant Mother from Friday close of school until Sunday at 10:00 a.m., and with the Plaintiff Father from Sunday at 10:00 a.m. until return to school on Monday.

The weekend schedule shall alternate continuously throughout the year. School break and vacation schedules will overlay the usual weekend rotation. Monday school holidays will attach to the preceding weekend.

The Defendant Mother will provide JUSTINE with a cell phone on her plan and may solely determine the services available and monitor its use. The Plaintiff Father will not provide JUSTINE with a different cell phone nor permit her to regularly use one other than that provided by the Defendant Mother.

Both parties will encourage JUSTINE to spend the time as scheduled additional time with the parents and both parties will inform JUSTINE that the schedule may not be altered without the approval of both parents.

As to KEVIN:

KEVIN will spend weekends from the close of school on Friday through the return to school on Monday with each parent on a four week rotating schedule.

- Weekend one will be spent with the Plaintiff Father from Friday close of school until return to school on Monday;
- Weekend two will be spent with the Defendant Mother from Friday close of school until return to school on Monday;
- Weekend three will be spent with the Plaintiff Father from Friday close of school until return to school on Monday.
- Weekend four will be spent with the Plaintiff Father from Friday close of school until Sunday at 10:00 a.m., and with the Defendant Mother from Sunday at 10:00 a.m. until return to school on Monday.

The weekend schedule shall alternate continuously throughout the year. School break and vacation schedules will overlay the usual weekend rotation. Monday school holidays will attach to the preceding weekend.

KEVIN will also spend each Tuesday from close of school until 7:00 p.m. with the Plaintiff Father and also each Thursday from close of school until 7:00 p.m. preceding a Mother's weekend with the Plaintiff Father. The Plaintiff Father will ensure that KEVIN has completed his homework and eaten dinner before returning to the Defendant Mother's home.

As to AMY:

AMY will spend weekends from the 3:00 p.m. on Friday until Sunday at 7:00 p.m. with each parent on a four week rotating schedule.

- Weekend one will be spent with the Plaintiff Father;
- Weekend two will be spent with the Defendant Mother;
- Weekend three will be spent with the Plaintiff Father.
- Weekend four will be spent with the Defendant Mother.

Monday holidays will attach to the preceding weekend provided that the supervising parent is personally available to care for AMY.

AMY will spend each Tuesday and Thursday from 3:00 p.m. through 7:00 p.m. with the Plaintiff Father. The Plaintiff Father will ensure that AMY has eaten dinner before returning to the Defendant Mother's home.

If the Plaintiff Father is personally available, he may elect to spend a Monday or Wednesday each week with AMY from 3:00 p.m. through 7:00 p.m. upon 48 hours notice to the Defendant Mother.

SUMMER VACATION:

Each parent will be entitled to two non-consecutive weeks of uninterrupted vacation with the children, each week to begin at 9:00 a.m. on the Monday preceding his or her regular full weekend time and ending at 9:00 a.m. the following Monday. In odd numbered years, the Defendant Mother will have first choice of vacation weeks and she will give written notice of the two weeks she elects by April 1 and the Plaintiff Father will give written notice of the weeks he elects by April 15. In even numbered years, the Plaintiff Father will have first choice and will give written notice of the

two weeks he elects by April 1 and the Defendant Mother will give written notice of the weeks she elects by April 15.

Neither parent will schedule activities for the children during time the children are scheduled to be with the other parent without the advance agreement of the other parent. The Plaintiff Father may, however, enroll KEVIN in extracurricular activities which have occasional practices, events or games scheduled on weekends or on the week nights the children spend with the Mother, and the Defendant Mother will accommodate the child's attendance.

If either parent plans to arrange for child care by a third party for a period of longer than three hours while the child or children are awake, the other parent shall have a right of first refusal to care for the child(ren) provided he or she provides transportation.

Each parent may arrange for another adult to transport the children if the parent is not available.

Both parents will permit and encourage the children to telephone the other parent at will, and assist the children in calling the other parent if necessary. Each parent will the other parent to telephone the Minor Children at least once each day for ten minutes or less.

HOLIDAYS AND VACATIONS

The Holiday Schedule will preempt the regular and vacation schedule.

GAVELL CHILDREN HOLIDAY SCHEDULE

	Odd numbered years	Even numbered years
Thanksgiving (7:00 p.m. Wednesday until 10:00 a.m. Friday)	Mom	Dad
Christmas Eve Day (9:00 a.m. until 9:00 p.m.)	Mom	Mom
Christmas Eve Overnight (9:00 p.m. until 9:00 a.m. Christmas Day)	Mom	Dad
Christmas Day (9:00 a.m. until 9:00 p.m.)	Dad	Dad
Christmas School Break (9:00 p.m. 12/25 until 6:00 p.m. on the day preceding the resumption of school)	Dad	Mom
Winter School Break/President's Day Break (close of school until resumption of school)	Dad	Mom
Spring School Break (close of school until resumption of school)	Mom	Dad
Easter Day (unless falling during Spring Break) (6:00 p.m. Saturday until 6:00 p.m. Sunday)	Mom	Dad
Mother's Day (6:00 p.m. Saturday until 6:00 p.m. Sunday)	Mom	Mom
Father's Day (6:00 p.m. Saturday until 6:00 p.m. Sunday)	Dad	Dad

The children's birthdays will be shared, so that each has an opportunity to visit with the birthday child for at least two hours.

MISCELLANEOUS PROVISIONS

Each parent will cooperate with the children's counselor(s) and encourage and support the children to attend counseling sessions.

If either parent engages in individual counseling, he or she will authorize his or her therapist to confer with the children's therapist(s).

Except in the case of emergency (defined as injury or illness to a child or unanticipated delay in transporting a child), communications between the parties shall be in writing via e-mail or ourfamilywizard.com unless both parties agree that verbal communication is productive.

Each parent will employ either an answering machine, voice mail, beeper or cell phone at all times and will respond promptly to inquiries and messages left by the other parent.

The parties will deal directly with one another and refrain from interposing third persons, including the children. Specifically, the children will not be used to convey checks or messages, verbal or written, between the parents.

Each parent will promptly notify the other if either has any knowledge of any illness or accident seriously affecting the health or welfare of the children (defined as requiring the services of a physician).

Each parent will provide the other with his or her residence street address, an E-mail address, and all telephone and fax numbers at which he or she may regularly be reached, and will promptly provide updates as necessary.

Each parent shall provide the other with the name, address and telephone numbers of all regular child-care providers (defined as persons/agencies providing care more than eight hours per month).

Each parent will observe the usual social courtesies with the other in front of the children. Except for ordinary social exchanges and emergencies, communications between the parties shall be in writing unless both parties agree that verbal communication is productive.

Each parent will keep the other informed of the whereabouts, including a telephone number, of the children if the children will not be sleeping in the residence of the parent for two or more nights.

Provided the children do not miss school, either parent may take the children out of state overnight on holidays or for vacations or visitation, so long as a written itinerary and notice of the address and telephone number of the destination(s) is provided to the other parent in advance of the departure. Each parent agrees to cooperate in providing the children's passports and all necessary documents to the parent traveling with the children upon receipt of the written itinerary and notice of the address and telephone number of the destination(s) .

Neither parent will do or say anything to or in the presence of the children which would tend to detract from the ordinary love and affection of the children for the other parent, nor permit third persons to do so.

Both parents shall have the right of access to all academic, medical, hospital or other health

records of the children.

Each parent will keep the other informed of the children's school, sports and extracurricular activities and provide the other parent with copies of all schedules and notices of special events to which parents and/or the public are invited, and will provide the other parent with "parent tickets" if distributed or made available for the special event. If email addresses are requested of either parent in regard to children's activities, both parents' email addresses will be provided.

Both parents may attend sporting events, school activities, scout meetings, etc. in which the children are involved notwithstanding the visitation schedule and provided other parents ordinarily attend. Where both parents are present, each agrees to allow the children free access to greet and visit with the other parent, and not to entice or pressure the children to devote their attention to only one of them.

Both parents may volunteer to assist with the children's activities as coach, scout leader, room mother, chaperon, etc., which shall not be considered additional visitation. In the event both parents wish to participate in the same activity, the parent with whom the child will be leaving the activity will have the right of first refusal.

If a child participates in any activities intended to include a specific parent (e.g. father/son scout activities, mother/daughter dinners), that parent shall be entitled to attend the event with the child, which will not be considered additional visitation.

Each parent will be responsible for contacting the children's schools, medical providers, etc.

in order to receive relevant information.

Both parents will recognize that the children have interests and wishes independent of either or both parents. Each parent will make reasonable efforts to adapt to the changing needs and interests of the children, and to arrange his or her schedule to accommodate the children's extracurricular activities, sports schedules, and reasonable social contacts, etc., remembering that such activities are an ordinary part of the children's development and that the children will enjoy those activities and benefit from them.

The children will not be left unsupervised while awake or alone overnight.

Each parent will permit the children to transfer any clothing, toys and/or sports equipment the children wish to transfer between houses.

THE MINOR CHILDREN

by:

Their Attorney

GAVELL CONTACT SCHEDULE

<u>Week</u>	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
1	Kevin and Amy with Mom until school Justine with Dad until school	Amy and Kevin with Dad 3-7		Amy and Kevin with Dad 3-7	Justine, Amy and Kevin with Dad after school	Justine, Amy and Kevin with Dad	Justine and Kevin with Dad Amy with Dad until 7
2	Justine and Kevin with dad until school	Amy and Kevin with Dad 3-7		Amy and Kevin with Dad 3-7	Justine, Amy and Kevin with Mom after school	Justin, Amy and Kevin with Mom	Justine, Amy and Kevin with Mom
3	Kevin and Amy with Mom until school Justine with Dad until school	Amy and Kevin with Dad 3-7		Amy and Kevin with Dad 3-7	Justine, Amy and Kevin with Dad after school	Justine, Amy and Kevin with Dad	Justine and Kevin with Dad Amy with Dad until 7
4	Justine and Kevin with dad until school Amy with Mom	Amy and Kevin with Dad 3-7		Amy and Kevin with Dad 3-7	Kevin with Dad after school Amy and Justine with Mom	Kevin with Dad Amy and Justine with Mom	Kevin with Dad until 10; Justine with Dad after 10 Amy with Mom

Justine to spend an evening with Dad each week, returning to Mom's by 10 p.m.

Dad to have option to spend a Monday or Wednesday with Amy from 3:00 p.m. until 7:00 p.m. on 48 hours notice each week.